IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 590 OF 2006

Dagadu Ananda Jadhav ....Applicant.

V/s

State of Maharashtra ....Respondent.

Mr. S.S. Deshmukh for the applicant.

Ms. M.M. Deshmukh, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 1st March, 2006

P.C:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant was arrested in connection with an offence punishable under sections 376, 504, 506 read with section 34 of the Indian Penal Code and section 32(b) and 33 of the Bombay Money Lenders Act, 1946. It is alleged that the husband of the original complainant had taken loan of Rs 20,000/- from the applicant @ 10% and the applicant, thereafter, used to visit the house of the prosecurtix when her husband used to go out of the village on account of his business and used to rape the prosecutrix. The learned Counsel for the applicant submitted that prior

to this a complaint was lodged by the daughter of the applicant stating therein that the applicant has been assaulted by the husband of the prosecutrix and, thereafter, the present complaint has been lodged as a counter-blast to implicate the applicant.

3. The perusal of the complaint discloses that the exact date and time of the alleged rape has not been mentioned and the particulars mentioned in the complaint are vague. Further, the medical evidence does not indicate that there were any injuries on the person of the prosecutrix. The applicant is in jail since 30/12/2005. The investigation is almost over. Considering these facts, in my view, the applicant is entitled to be released on bail.

4. The applicant be released on bail in the sum of Rs 5000/- with one or two sureties in the like amount. He shall, however, report to the Daund City Police Station, Pune once in a week for a period of six months and thereafter twice in a month.

5. Application is accordingly disposed of.

V.M. KANADE, J.